

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF WATER)	
RESOURCES,)	2:05-cv-0518-GEB-EFB
)	
Plaintiff,)	
)	<u>ORDER</u> *
v.)	
)	
POWEREX CORPORATION,)	
)	
Defendant.)	

On September 9, 2011, Plaintiff California Department of Water Resources ("CDWR") filed a "Motion to Confirm End of Stay or, in the Alternative, to Lift Stay ("motion"), arguing FERC has adjudicated three pertinent filings. (Pl.'s Mot., 2:1-4.) This case was stayed in an order filed September 4, 2009, during the Federal Energy Regulatory Commission's ("FERC") adjudication of FERC filings referenced in the stay order. Defendant Powerex Corporation ("Powerex") opposes the motion and argues FERC is still adjudicating issues that bear directly on this case. (Def.'s Opp'n ("Opp'n"), 1:12-2:2.)

CDWR requested rehearings on the three FERC filings that CDWR argues have been adjudicated. (Mot., 5:11-12.) This evinces that CDWR is still actively seeking relief from FERC that bears on issues in this case.

* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

